

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

CHARLESTON DIVISION

RICHARD RACH, III,

Petitioner,

v.

CIVIL ACTION NO. 2:19-cv-00822
(Criminal No. 2:18-cr-00004-3)

UNITED STATES OF AMERICA,

Respondent.

ORDER

This action was referred to United States Magistrate Judge Omar Aboulhosn for submission of proposed findings of fact and recommendations for disposition pursuant to 28 U.S.C. § 636. Magistrate Judge Aboulhosn submitted his Proposed Findings & Recommendations [ECF No. 269] (“PF&R”) and recommended that I **GRANT** Mr. Rach’s letter form Motion to Withdraw [ECF No. 268] and **DISMISS WITHOUT PREJUDICE** his Motion under 28 U.S.C. § 2255 to Vacate, Set Aside, or Correct Sentence by a Person in Federal Custody [ECF No. 209]. Neither party timely filed objections to the PF&R nor sought an extension of time.

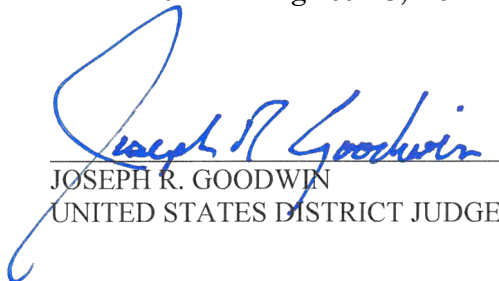
A district court “shall make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made.” 28 U.S.C. § 636(b)(1)(C). This Court is not, however, required to review, under a de novo or any other standard, the factual or legal conclusions of the magistrate judge

as to those portions of the findings or recommendation to which no objections are addressed. *Thomas v. Arn*, 474 U.S. 140, 150 (1985).

Because the parties have not filed objections in this case, the Court adopts and incorporates herein the PF&R and orders judgment consistent therewith. The Court **GRANTS** Mr. Rach's Motion to Withdraw [ECF No. 268], **DISMISSES** this matter [ECF No. 209] **WITHOUT PREJUDICE**, and orders it removed from the docket.

The Court **DIRECTS** the Clerk to send a copy of this Order to counsel of record and any unrepresented party.

ENTER: August 23, 2022



JOSEPH R. GOODWIN
UNITED STATES DISTRICT JUDGE